IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3866 OF 2006

Devinder Sahney & Ors. .. Applicants

Versus

State of Maharashtra & Anr. .. Respondents

Mr.Satish Maneshinde for applicants

Mr.Subhash Thakur, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 24th November 2006.

P.C.

. This Application was moved in the light of the non bailable warrant issued by the learned

Special Judge for SEBI matters at Kurla in SEBI Special Case No.286 of 2006. Even application for recalling the order issuing non bailable warrant is rejected.

2. This Court has protected the applicants and the execution of non bailable warrant was stayed. It appears that the applicants did not remain present on a further date and, therefore, another non bailable warrant came to be issued. Learned Vacation Judge stayed this execution as well upon an undertaking being given to this Court that the applicants would remain present.

3. There is no need to go into the rival contentions in further details because Mr.Maneshinde states that the applicants remained present before Special Judge today but it appears that he is on leave. Applicants, were Mr.Maneshinde, undertake to remain present on the adjourned date of hearing.

4. In the light of the above undertaking, non bailable warrants issued to secure presence of the applicants are cancelled. As clarified by the learned Vacation Judge, this order does not preclude Special Judge from issuing fresh warrants as and when occasion arises. Equally this does not preclude him from considering the application for exemption. All contentions of both sides in that behalf are expressly kept open.

(S.C.Dharmadhikari, J)